

HOUSE JOURNAL

EIGHTY-EIGHTH LEGISLATURE, THIRD CALLED SESSION

PROCEEDINGS

SIXTH DAY — THURSDAY, OCTOBER 26, 2023

The house met at 3:36 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 56).

Present — Mr. Speaker(C); Allen; Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bernal; Bhojani; Bonnen; Bowers; Bryant; Buckley; Bucy; Bumgarner; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Clardy; Cole; Collier; Cook; Cortez; Craddick; Cunningham; Darby; Davis; Dean; DeAyala; Dorazio; Dutton; Flores; Frank; Frazier; Gámez; Garcia; Gates; Gerdes; Geren; Goldman; González, J.; González, M.; Goodwin; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Hull; Hunter; Isaac; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lalani; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lopez, R.; Lozano; Lujan; Manuel; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Ordaz; Orr; Ortega; Patterson; Paul; Perez; Plesa; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Schaefer; Schatzline; Schofield; Shaheen; Sherman; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Talarico; Tepper; Thierry; Thimesch; Thompson, E.; Thompson, S.; Tinderholt; Toth; Troxclair; Turner; VanDeaver; Vasut; Vo; Walle; Wilson; Wu; Zwiener.

Absent, Excused — Anchía; Gervin-Hawkins.

LEAVES OF ABSENCE GRANTED

On motion of Representative Metcalf and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

SB 7 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED

Representative Hunter moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 7** all joint authors and co-authors for **HB 7** who sign on to **HB 7** before **SB 7** passes the house on third reading.

The motion prevailed.

SB 4 - RULES SUSPENDED
HOUSE SPONSOR AUTHORIZED

Representative Hunter moved to suspend Rule 8, Section 5(d), of the House Rules to designate as house sponsors and co-sponsors for **SB 4** all joint authors and co-authors for **HB 5** who sign on to **HB 5** before **SB 4** passes the house on third reading.

The motion prevailed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 7 ON THIRD READING
(Leach, Klick, Troxclair, Raymond, et al. - House Sponsors)

SB 7, A bill to be entitled An Act relating to prohibiting a private employer from adopting or enforcing certain COVID-19 vaccine mandates; authorizing an administrative penalty.

SB 7 was passed by (Record 57): 91 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Muñoz; Murr; Neave Criado; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Romero; Schaefer; Schatzline; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; Garcia; González, J.; González, M.; Goodwin; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Schofield.

SB 4 ON THIRD READING**(Guillen, E. Morales, J. Lopez, Raymond, Holland, et al. - House Sponsors)**

SB 4, A bill to be entitled An Act relating to the punishment for certain criminal conduct involving the smuggling of persons or the operation of a stash house; increasing criminal penalties.

SB 4 was passed by (Record 58): 92 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cortez; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guerra; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Herrero; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; King, T.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Longoria; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morales, E.; Morrison; Muñoz; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Raymond; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Hernandez; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales Shaw; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

STATEMENT OF VOTE

When Record No. 58 was taken, I was shown voting yes. I intended to vote no.

Cortez

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 6 ON THIRD READING
(by Jetton, Bonnen, DeAyala, et al.)**

HB 6, A bill to be entitled An Act relating to making an appropriation for the construction, operation, and maintenance of border barrier infrastructure.

HB 6 was passed by (Record 59): 84 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, J.; Jones, V.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Reynolds; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — King, T.

The chair stated that **HB 6** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

HB 4 ON THIRD READING

(by Spiller, Hefner, Hunter, K. Bell, et al.)

HB 4, A bill to be entitled An Act relating to prohibitions on the illegal entry into or illegal presence in this state by a person who is an alien, the enforcement of those prohibitions, and authorizing the removal of persons who violate certain of those prohibitions in lieu of arrest; creating criminal offenses.

HB 4 was passed by (Record 60): 84 Yeas, 60 Nays, 2 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Bonnen; Buckley; Bumgarner; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Craddick; Cunningham; Darby; Dean; DeAyala; Dorazio; Frank; Frazier; Gates; Gerdes; Geren; Goldman; Guillen; Harless; Harris, C.E.; Harris, C.J.; Harrison; Hayes; Hefner; Holland; Hull; Hunter; Isaac; Jetton; Kacal; King, K.; Kitzman; Klick; Kuempel; Lambert; Landgraf; Leach; Leo-Wilson; Lopez, J.; Lozano; Lujan; Metcalf; Meyer; Morrison; Murr; Noble; Oliverson; Orr; Patterson; Paul; Price; Raney; Rogers; Schaefer; Schatzline; Schofield; Shaheen; Shine; Slawson; Smith; Smithee; Spiller; Stucky; Swanson; Tepper; Thimesch; Thompson, E.; Tinderholt; Toth; Troxclair; VanDeaver; Vasut; Wilson.

Nays — Allen; Bernal; Bhojani; Bowers; Bryant; Bucy; Campos; Canales; Cole; Collier; Cortez; Davis; Dutton; Flores; Gámez; García; González, J.; González, M.; Goodwin; Guerra; Hernandez; Herrero; Hinojosa; Howard;

Johnson, A.; Johnson, J.D.; Johnson, J.E.; Jones, V.; King, T.; Lalani; Longoria; Lopez, R.; Manuel; Martinez; Martinez Fischer; Meza; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave Criado; Ordaz; Ortega; Perez; Plesa; Ramos; Raymond; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C); Reynolds.

Absent, Excused — Anchía; Gervin-Hawkins.

Absent — Jones, J.

REASON FOR VOTE

Representative Hayes submitted the following reason for vote to be printed in the journal:

HB 4 is not about race. It is not about racial profiling. It's about doing something respecting the tidal wave of illegal immigration. I've heard several members express concerns this evening that because of a person's skin color that someone might be wrongfully arrested or returned to Mexico or their country of origin when found to be in this country illegally.

Texas and the United States have a cataclysmic illegal immigration problem. It's multicultural. It's multigenerational. It's multinational. It's illegal aliens from every country in the world who have come across our border. That's not racial. In the last 2 1/2 years, millions have boiled into Texas and the United States. Last month, a new Texas record, in fact it was a new world record, was set with 340,000 apprehensions. That was in September 2023. The federal government has not only perfected the proverbial ostrich head in the sand approach, but has openly encouraged illegal immigration, and has purposely made the decision to allow illegal immigration.

Texas and the United States have a cataclysmic illegal immigration problem. We are now experiencing a historic hemispheric migration. All commonsense approaches to respecting our state border, our country's border, have been flushed down the toilet.

We must take bold action to protect our citizens and for that matter, illegal immigrants from the atrocities of the cartels, human smuggling, sexual exploitation, murder, death, massive fentanyl importation (432 million lethal doses seized in Texas alone), and the total disregard of our laws.

A record number of illegal aliens with terrorist ties have been caught. In 2021 it was 173. In 2022 it was 478. This year it has been 736, with 546 apprehended at ports of entry and 172 between ports of entry; 487 at the northern border and 249 on the southern border. This is a national crisis.

We must do more to protect Texas and its citizens. This problem has slapped us in the face, blackened our eyes, and bloodied our noses. I voted yes to protect Texas. I voted yes to protect our children. I voted yes to protect our grandchildren. I voted yes to take action, because inaction is failure of unparalleled proportions.

REMARKS ORDERED PRINTED

Representative Neave Criado moved to print all remarks on **HB 4** on third reading.

The motion prevailed. [The text of the debate was unavailable at the time of printing.]

PROVIDING FOR ADJOURNMENT

At 4:03 a.m., Representative Troxclair moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the receipt of messages, and granting requests for appointment of conference committees, the house adjourn until 4 p.m. Monday, October 30 in memory of Mark Barry "Buck" Rogers of Boerne.

The motion prevailed.

Monday, October 30

(Metcalf in the chair)

The chair called the house to order at 3:47 p.m. Monday, October 30.

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List Nos. 1 and 2 - October 30.)

ADJOURNMENT

In accordance with a previous motion, the house, at 3:48 p.m. Monday, October 30, adjourned until 4 p.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1 - October 30

HCR 25 (By Craddick), In memory of James C. "Jim" Henry of Midland.
To Resolutions Calendars.

HCR 26 (By Craddick), Honoring Elwood Freeman of Lamesa National Bank for his more than 75 years of service in the banking industry.
To Resolutions Calendars.

HR 72 (By Jetton), Recognizing November 22, 2023, as Kimchee Day.
To Resolutions Calendars.

HR 73 (By Leo-Wilson), Commemorating the groundbreaking of the new CommonCents Credit Union building in Winnie.

To Resolutions Calendars.

HR 75 (By Darby), Congratulating Dr. Carl Dethloff on his retirement as superintendent of the San Angelo Independent School District.

To Resolutions Calendars.

HR 76 (By Meyer), In memory of renowned sports photographer James T. "Brad" Bradley.

To Resolutions Calendars.

HR 77 (By Bumgarner), Honoring Mary Kay Walker of Flower Mound on her retirement as president of the Seniors in Motion Auxiliary.

To Resolutions Calendars.

HR 79 (By Leo-Wilson), Congratulating the East Chambers High School football team on winning the 2023 Swamp Bowl.

To Resolutions Calendars.

HR 80 (By Davis), In memory of Barry Gerard Andrews of Dallas.

To Resolutions Calendars.

HR 82 (By Price), In memory of James Reed Lovell of Amarillo.

To Resolutions Calendars.

HR 83 (By Price), Commemorating the induction of Biggs Ranch into the Texas Department of Agriculture Family Land Heritage Program.

To Resolutions Calendars.

HR 84 (By Price), Commemorating the 40th anniversary of the Ronald McDonald House of Amarillo.

To Resolutions Calendars.

HR 85 (By Price), Congratulating Ashlynn Howell of White Deer High School on receiving the 2023 American FFA Degree.

To Resolutions Calendars.

HR 86 (By Lalani), Recognizing the festival of Diwali 2023.

To Resolutions Calendars.

HR 87 (By Allen), Honoring the Ashley Jadine Foundation on the occasion of its sixth annual Health Fair and 5K Walk.

To Resolutions Calendars.

HR 88 (By Zwiener), Congratulating U.S. Air Force (Ret.) Lt. Col. George C. Carruthers of San Marcos on his 100th birthday.

To Resolutions Calendars.

HR 89 (By Zwiener), Congratulating Nancy Hanks Ellis on her induction into the San Marcos Women's Hall of Fame.

To Resolutions Calendars.

HR 90 (By Zwiener), Congratulating Mittie Miller on her induction into the San Marcos Women's Hall of Fame.

To Resolutions Calendars.

HR 91 (By Zwiener), Congratulating Mary Peterson Earls on her induction into the San Marcos Women's Hall of Fame.

To Resolutions Calendars.

HR 92 (By Zwiener), Congratulating Bobbie Garza-Hernandez on her induction into the San Marcos Women's Hall of Fame.

To Resolutions Calendars.

HR 93 (By Price), Commemorating the 90th anniversary of the Maverick Boys & Girls Club of Amarillo.

To Resolutions Calendars.

HR 94 (By Price), Congratulating Sunset Elementary School of Dumas ISD on being named a 2023 National Blue Ribbon School.

To Resolutions Calendars.

HR 96 (By Leo-Wilson), Commemorating the grand opening of the new city hall and fire station in Mont Belvieu.

To Resolutions Calendars.

HR 97 (By Davis), In memory of Dr. Njoki McElroy of Dallas.

To Resolutions Calendars.

HR 98 (By J. Lopez), In memory of Lieutenant Milton Gabriel Resendez of the San Benito Police Department.

To Resolutions Calendars.

HR 99 (By Price), Commending Dr. Russell Lowery-Hart for his service as president of Amarillo College.

To Resolutions Calendars.

HR 100 (By Leo-Wilson), Commending Elizabeth G. Alford for her service as a legislative intern in the office of State Representative Terri Leo-Wilson.

To Resolutions Calendars.

HR 101 (By Herrero), In memory of Margaret "Peggy" Bryan of Corpus Christi.

To Resolutions Calendars.

HR 102 (By Ordaz), Honoring L & J Cafe for 96 years of service to El Paso.

To Resolutions Calendars.

HR 103 (By Herrero), In memory of Cody Ryan Perez of Corpus Christi.

To Resolutions Calendars.

HR 104 (By Herrero), Congratulating Norma Garza Nunez on her retirement from the City of Robstown and Robstown Utility Systems.

To Resolutions Calendars.

HR 105 (By Garcia), Congratulating Marise McDermott on her retirement as president and CEO of the Witte Museum in San Antonio.

To Resolutions Calendars.

HR 106 (By Price), Congratulating Madisyn Henderson of White Deer on exhibiting a reserve champion winner in the Youth Market Barrow competition at the 2023 State Fair of Texas Livestock Show.

To Resolutions Calendars.

HR 107 (By Lujan), In memory of the Reverend Guadalupe Fonseca of San Antonio.

To Resolutions Calendars.

HR 108 (By Lujan), Congratulating Toyota Motor Manufacturing, Texas, Inc., in San Antonio on its 20th anniversary.

To Resolutions Calendars.

HR 109 (By C.E. Harris), Congratulating Elizabeth Bonura on winning first place in the 2023-2024 Annual Georgetown Sculpture Tour.

To Resolutions Calendars.

HR 110 (By Leo-Wilson), Commemorating the 50th annual Dickens on the Strand festival in Galveston.

To Resolutions Calendars.

List No. 2- October 30

HR 78 (By Morales Shaw), Urging Congress to provide immediate humanitarian assistance to those affected by the conflict in the Middle East.

To State Affairs.

